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 Defendants

5
 6 UNITED STATES BANKRUPTCY COURT
 7 NORTHERN DISTRICT OF CALIFORNIA
 8 SAN FRANCISCO DIVISION

9 IN RE: SAN JOSE AIRPORT HOTEL,
 10 LLC, DBA HOLIDAY INN SAN JOSE,
 MOBEDSHAH HOTEL GROUP,

11 DEBTORS.

Chapter 7

Case No. 09-51045-SLJ

(Jointly Administered with Case No. 09-51073-SLJ)

12
 13 A.P. No. 11-05236

NOTICE OF APPEAL

14 MOHAMED POONJA, CHAPTER 7
 TRUSTEE FOR SAN JOSE AIRPORT
 15 HOTEL, LLC, DBA HOLIDAY INN SAN
 JOSE, DEBTOR, AND MOBEDSHAH
 16 HOTEL GROUP, DEBTOR,

17 PLAINTIFFS,

18 VS.

19 SEVAK & SONS, L.P., A CALIFORNIA
 LIMITED PARTNERSHIP; CHANDRAKANT
 20 SHAH, AN INDIVIDUAL, AND MRUDULA
 C. SHAH, AN INDIVIDUAL

21 DEFENDANTS.
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23
 24 Defendant CHANDRAKANT SHAH ("Mr. Shah" or "Shah") appeals under 28
 25 U.S.C. § 158(b) from the judgment of the bankruptcy court entered in this adversary
 26 proceeding August 26, 2013, a copy of which is attached hereto as Exhibit 1.

27 The names of all parties to the judgment, order, or decree appealed from and
 28 the names, addresses, and telephone numbers of their respective attorneys are as

1 follows:

2 Chandrakant Shah, Appellant

3 Represented By:

4 GREGORY J. CHARLES, Esq. #208583

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6 2131 The Alameda, Suite C-2

7 San Jose, CA 95126

8 P: 408.493.0363

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10 greg@gregcharleslaw.com

11 Mohamed Poonja, Chapter 7 Trustee

12 For San Jose Airport Hotel, LLC, Appellee

13 Represented By:

14 James A. Hennefer (SBN 059490)

15 HENNEFER, FINLEY & WOOD, LLP

16 425 California Street, 19th Floor

17 San Francisco, CA 94104-2296

18 Telephone: (415) 421-6100

19 Facsimile: (415) 421-1815

20 jhennefer@hennefer-wood.com

21 Dated: September 27, 2013

22 Law Offices of Gregory Charles

23 By: /s/ Gregory J. Charles
24 Gregory J. Charles

Law Offices of Gregory Charles
2131 The Alameda, Suite C-2
San Jose, CA 95126

Exhibit 1

Entered on Docket
August 26, 2013
GLORIA L. FRANKLIN, CLERK
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA



The following constitutes
the order of the court, Signed August 26, 2013

Stephen L. Johnson

Stephen L. Johnson
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

*see changes below

In re:

SAN JOSE AIRPORT HOTEL, LLC,

Debtor

Case No. 09-51045-SLJ

Chapter 7

MOHAMED POONJA, Chapter 7 Trustee

Plaintiff,

vs.

SEVAK & SONS, L.P.,
CHANDRAKANT SHAH,
and MRUDULA C. SHAH,

Defendants.

Adversary Case No. 11-05236-SLJ

JUDGMENT IN AN ADVERSARY PROCEEDING

The court entered its "Order Following Trial" on August 2, 2013 (Doc. No. 82) following trial to the court of plaintiff's First Amended Complaint, which represents the court's findings of fact and conclusions of law pursuant to FED. R. BANKR. P. 7052. Said "Order Following Trial," is incorporated herein by reference. In said "Order Following Trial," the court ordered that the plaintiff, Mohamed

1 Poonja, recover from defendant, Chandrakant Shah, the amount of \$11,648,758 for breach of the
 2 Guaranty pleaded in the Second Claim for Relief in the First Amended Complaint.

- 3 1. Judgment is hereby granted to the plaintiff, Mohamed Poonja, and against defendant.
 4 Chandrakant Shah, in the amount of \$11,648,758
- 5 2. Interest on the judgment amount shall run from the date of entry of the judgment at the
 6 rate specified in 28 U.S.C. § 1961.
- 7 3. ~~The Guaranty provided that defendant Chandrakant Shah "shall pay ... all attorneys'~~
 8 ~~fees and costs incurred by [plaintiff] ... in seeking to enforce any of the liabilities or~~
 9 ~~obligations of [Chandrakant Shah] under [the] Guaranty."~~ Plaintiff sought such costs
 10 ~~and attorneys' fees in the Second Claim for Relief in the First Amended Complaint.~~
 11 ~~Plaintiff shall file its bill of costs and motion for attorneys' fees pursuant to Fed. R.~~
 12 ~~BANKR. P. 7054 and F.R.Cv.P. Rule 54 within thirty (30) days of the entry of this~~
 13 ~~judgment.~~
- 14 4. All causes of action in the First Amended Complaint, save and except for the Second
 15 Claim for Relief, are dismissed.

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 18 ***END OF JUDGMENT***

19 * To the extent attorneys' fees and costs are recoverable under applicable non-
 20 bankruptcy law, Plaintiff shall file a motion pursuant to Fed.R.Bankr.Proc. 7054(b) and
 21 Civil Local Rule 54-5, as incorporated (with limitations) by B.L.R. 1001-2.
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1. NOTICE OF APPEAL

James A. Hennefer (SBN 059490) HENNEFER, FINLEY & WOOD, LLP 425 California Street, 19th Floor San Francisco, CA 94104-2296 Telephone: (415) 421-6100 Facsimile: (415) 421-1815 jhennefer@hennefer-wood.com	
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s/ Gregory Charles

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